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CITY OF OAKLAND and CITY OF OAKLAND  
PUBLIC ETHICS COMMISSION

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

OAKPAC, OAKLAND METROPOLITAN  
CHAMBER OF COMMERCE, an  
unincorporated association,  
OAKLAND METROPOLITAN CHAMBER  
OF COMMERCE INDEPENDENT  
EXPENDITURE COMMITTEE (“OAK-IE-  
PAC”), an unincorporated association;  
MICHAEL COLBRUNO, an individual; and  
SCOTT B. PETERSON, an individual,

Plaintiffs,

v.

THE CITY OF OAKLAND;  
THE CITY OF OAKLAND PUBLIC ETHICS  
COMMISSION;  
DOES 1 TO 10,

Defendants.

Case No. CV 06-06366WHA

**STIPULATED REQUEST FOR ORDER  
MODIFYING TIME FOR OPENING  
BRIEFS**

**Hearing Date: April 2, 2009**

**Time: 8:00 a.m.**

**Crtm: 9**

At the last status conference in this case, the parties agreed upon February 26, 2009, as the filing date for the opening briefs for cross-motions for summary judgment. The hearing date is April 2, 2009.

The parties request an order modifying the date of filing for only the Opening Briefs of the parties to March 5, 2009, (a postponement of only one week). (Local Rule 6-2.

1 Stipulated Request for Order Changing Time.) Changing only this date will not affect the  
2 schedule of the hearing or the ultimate disposition of case. The parties are not asking for  
3 any change in the previously set filing dates for the opposition briefs, reply briefs, or the  
4 hearing date. (The opposition filing date is set for March 12, 2009; the reply filing date is  
5 set for March 19, 2009; the hearing date is April 2, 2009.) This stipulation will not affect  
6 the time the Court has to review the opposition or reply papers.

7 The parties are currently engaged in final settlement discussions. A meeting is set  
8 between the principals of the parties (with their attorneys) on February 12, 2009. A closed  
9 executive session meeting of the Oakland City Council is set for February 17, 2009, to  
10 discuss final settlement. A major point in negotiation is the attorney's fees. By postponing  
11 the filing date of the opening briefs, the parties can stay the amount of attorney's fees the  
12 parties are incurring in preparing the motions for summary judgment. Without the  
13 postponement of the opening brief filing date, the attorney's fees will escalate and will  
14 force the parties further apart in their negotiations on this final issue.

15  
16 Accordingly, the parties stipulate to an order setting the filing date of the opening  
17 briefs for the cross-motions for summary judgment to March 6, 2009. All other dates  
18 previously set by the Court for the cross-motions for summary judgment shall remain the  
19 same.

20  
21 **SO STIPULATED**

22  
23 Dated: February 11, 2009

By:



James Sutton

The Sutton Law Firm, P.C.

Attorneys for Plaintiffs

1 Dated: February 11, 2009

By: /S/  
Mark T. Morodomi, Supervising Deputy City  
Attorney  
Attorney for Defendants

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3  
4  
5  
6 **PURSUANT TO STIPULATION, IT IS SO ORDERED**

7 Dated: February 12, 2009

By:

Honorable William Alsup  
United States District Judge

